

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HARVEY M. SHANER, JR.,

Plaintiff,

v.

PRIMECARE MEDICAL, INC.,

***et al.*,**

Defendants.

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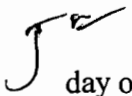
CIVIL ACTION NO. 19-CV-2442

FILED

AUG 05 2019

KATE BARKMAN, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this  day of August, 2019, upon consideration of Plaintiff Harvey M.

Shaner, Jr.'s prison trust fund account statement (ECF No. 7) and his *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.

2. Harvey M. Shaner, Jr., #193446, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court hereby directs the Warden of Lehigh County Jail or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Shaner's inmate account; or (b) the average monthly balance in Shaner's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Shaner's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Shaner's inmate account until the fees are paid. Each payment shall reference the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this order to the Warden of Lehigh County Jail.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

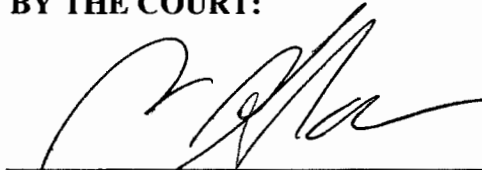
6. Shaner is **GRANTED** leave to file an amended complaint within thirty (30) days of the date of this Order. Any amended complaint must be a complete document and shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint. It shall contain a short, plain statement setting forth the basis for Shaner's claims against each defendant. Shaner should provide enough information for the Court to understand what happened to him and how each named defendant acted to cause him injury. When drafting his amended complaint, Shaner should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. The Clerk of Court shall send Shaner a blank copy of the Court's form complaint for use by a prisoner in filing a civil rights action bearing the above civil action number. Shaner may use this form to file his amended complaint in the instant case if he chooses to do so.

8. If Shaner fails to file an amended complaint in accordance with paragraph six (6) of this Order, his case may be dismissed without prejudice for failure to prosecute with no

further notice.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'J. Padova', written over a horizontal line.

JOHN R. PADOVA, J.